

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 14, 2006. The Applicant traverses the rejections to claims 1-17. Claims 24 and 25 have been added by amendment. Reconsideration and allowance of the subject application and presently pending claims 1-17 and 24-25 is respectfully requested.

I. Response to Claim Rejections based on Anticipation

In the Office Action, claims 1 and 7-8 are preliminarily rejected under 35 USC§102(b) as being anticipated by U.S. Patent No. 2,671,885 to Bouix. For a proper rejection of a claim under 35 USC§102(b), the cited reference must disclose all elements/features/steps of the claim. See, *e.g.*, *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

A. Claim 1

Claim 1 is presently written as:

A compression journal comprising:
at least two semi-circular segments;
a cylindrical shaft having said semi-circular segments positioned around said shaft;
at least one air gap positioned circumferentially between two of the semi-circular segments; and
means, positioned around the outside of said semi-circular segments, for *maintaining electrical contact between said semi-circular segments and said cylindrical shaft.*
(Emphasis added).

The anticipation rejection of claim 1 as anticipated by Bouix is in error. The Examiner suggests, on page 2 of the office action, that the semi-circular segments 56-59

and the shaft 5 are maintained in electrical contact. This statement is incorrect. Bouix fails to teach or disclose the shaft 5 is in electrical contact with anything. The shaft 5 is merely being used as a structural base for mounting other elements of the device. If the shaft 5 did conduct current, the waveguides 22, 23, for instance, would suffer in performance. As Bouix fails to maintain electrical contact between said semi-circular segments and said cylindrical shaft, Bouix cannot be said to anticipate claim 1.

B. Claims 2-7

The Applicant respectfully submits that since claims 2-7 depends on independent claim 1, claims 2-7 contains all limitations of independent claim 1. Since independent claim 1 should be allowed, as argued above, pending dependent claims 2-7 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

C. Claim 8

Claim 8 is presently written as:

A rotary joint comprising:
a rotor assembly having a housing and a shaft extending outward from a center portion thereof;
a stator assembly having a cylindrical opening for receiving said shaft of said rotor assembly, the housing of said rotor assembly being secured within a housing of said stator assembly;
a cavity in said stator assembly for receiving at least two semi-circular segments positioned around said shaft of said rotor assembly;
at least one air gap positioned circumferentially between the two semi-circular segments; and
means positioned around the outside of said semi-circular segments for ***maintaining electrical contact between said semi-circular segments and said shaft of said rotor assembly.***

(Emphasis added).

The anticipation rejection of claim 8 as anticipated by Bouix is in error. The Examiner suggests, on page 2 of the office action, that the semi-circular segments 56-59 and the shaft 5 are maintained in electrical contact. This statement is incorrect. Bouix fails to teach or disclose the shaft 5 is in electrical contact with anything. The shaft 5 is merely being used as a structural base for mounting other elements of the device. If the shaft 5 did conduct current, the waveguides 22, 23, for instance, would suffer in performance. As Bouix fails to maintain electrical contact between said semi-circular segments and said cylindrical shaft, Bouix cannot be said to anticipate claim 8.

II. Response To Claim Rejections Based On Obviousness

In the Office Action, claims 2-6 and 9-17 are rejected under 35 USC§103(a) as being unpatentable over Bouix in view of US Patent No. 3,914,715 to Hubing, *et al* (hereinafter "Hubing"). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., In re Dow Chemical, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988), and In re Keller, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

A. Claim 2-6

Claims 2-6 depend from claim 1. Claim 1 should be allowed due to the shortcoming of Bouix previously provided. Hubing et al. fails to teach the omission of Bouix. The Applicant respectfully submits that since claims 2-6 depends on independent claim 1, claims 2-6 contains all limitations of independent claim 1. Since independent

claim 1 should be allowed, as argued above, pending dependent claims 2-6 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

B. Claim 9-17

Claims 9-17 depend from claim 8. Claim 8 should be allowed due to the shortcoming of Bouix previously provided. Hubing et al. fails to teach the omission of Bouix. The Applicant respectfully submits that since claims 9-17 depend on independent claim 8, claims 9-17 contains all limitations of independent claim 8. Since independent claim 8 should be allowed, as argued above, pending dependent claims 9-17 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

III. New Claims

Claim 24 is similar to claim 1 and includes a limitation discussed with Examiner Lam on 9/12/06 during an Examiner Interview. The Applicant submits and Examiner Lam agreed this claim, as written, is not anticipated by Bouix. The subject matter for the added limitation is at least shown in FIG. 4 and at least discussed in the specification relative to FIG. 4. Claim 25 is a new dependent claim providing an additional limitation of continuous electrical contact between the segments and the shaft. The original disclosure discusses the fact the segments are held against the conductive sleeve bonded to the shaft, which supports this limitation. Bouix used semi-circular segments to maintain noncontiguous or periodic electrical contact between the segments and those elements of

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the device with which the segments were in communication through the brushes. Neither of these new claims are taught by the cited references or any art presently of record.

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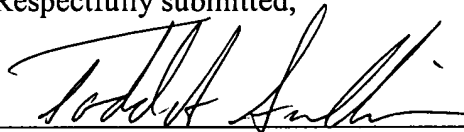
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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-17 and 24-25 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 668-1400.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on, Sept. 13, 2006 at Manchester, New Hampshire.

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